

REMARKS

The claims in the application are 1-14 and Claims 15-20 added by the present amendment.

Favorable reconsideration of the application as amended is respectfully requested.

Claim 2 which has been withdrawn from consideration should be allowable once a generic claim is indicated allowable.

The Abstract and title have been amended to eliminate the formal rejections raised on page 2 of the Office Action. Independent Claim 1 has been amended to recite at least one of the chambers 12 in the inventive magnetic device 8 has a magnet 14 freely movably enclosed therein to abut any internal wall of the chamber 12 as shown in Figs. 2 and 3 and described throughout the present application (reference is being made to preferred embodiments of the present invention illustrated in the drawings of the present application).

Independent Claim 10 has been amended as Claim 1 *supra* and additionally to recite the separation chamber 24 situated between the magnet-holding chambers 26 does not contain a magnet (as also shown, e.g., in Figs. 2a-c and 3a).

Independent Claim 13 has been amended to recite the interior corners of the walls defining the respective chamber are rounded to smoothly transition between flat surfaces of adjacent walls, to prevent the magnet from becoming wedged in areas of contact between the walls and permit free movement of the magnet within the respective chamber as described, e.g., on page 5, lines 13-21 and page 7, lines 8-9 of the specification. Claim 15 finds support throughout the application and drawings as the amendment to Claim 1 *supra*, while Claims 16-18 find support at page 5, lines 13-

21 and page 6, lines 17-27 of the specification. Additionally, Claims 19 and 20 finds support at page 7, lines 1-9 of the specification.

Accordingly, the only outstanding issue is the art rejection of the claims. More particularly, Claims 1, 3-5, 7 and 9-14 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 3,255,440 to Duggar, while Claims 6 and 8 have been rejected under 35 U.S.C. §103(a) as obvious over this reference. However, it is respectfully submitted the present invention as recited in all pending claims herein is patentable over the art, for the following reasons (reference will again be made to preferred embodiments of the present invention illustrated in the drawings of the present application).

As pointed out above, the present invention is directed to an improved magnet device 8 for attaching to magnetically attractive surfaces and holding items therebetween. The device includes a plurality of walls forming a plurality of chambers 12 enclosed therein with at least one of the chambers 12 having a magnet 14 freely movably enclosed to abut any internal wall of the chamber 12 when brought close to a magnetically attractive surface. In particular, the magnet 14 of the claimed invention is allowed to move freely inside the chamber 12, so that any side 10 of the device 8 may be attached to a surface.

As recited in independent Claim 10, the invention is directed to a polyhedral magnetic device 20 comprising, among other features, a separation chamber 24 devoid of a magnet and positioned between two chambers 22, 26 each containing a freely-movable magnet 30, while independent Claim 13 is directed to a device 8 containing a magnet 14 and having walls with rounded interior corners that smoothly transition between flat surfaces to prevent the magnet 14 from becoming wedged in

the corners and thereby allow the magnet 14 to freely move within the device 8.

The features of the presently claimed invention together with the accompanying advantages attained thereby are neither taught nor suggested by the applied art for the following reasons.

With regard to the rejection of independent Claim 1, the Examiner states Dugger teaches all the elements of Claim 1, including a plurality of walls 12, 14 or 20, 19 forming a plurality of chambers enclosed therein and at least one of said chambers having magnet 13 enclosed therein, wherein at least one other chamber is empty and located next to the magnet holding chamber (Figs. 2 and 3, col. 1, lines 7-8).

However, it is respectfully pointed out contrary to this assertion, the present invention is directed to a magnetic device 8 having a plurality of walls forming a plurality of chambers enclosed therein wherein at least one of the chambers 12 has a magnet 14 freely movably enclosed therein to abut any internal wall of the chamber 12 when brought close to a magnetically attractive surface. In contrast to amended Claim 1, Dugger discloses toy building blocks 10 in which disc-shaped magnets 13 are fixedly retained in recesses or depressions 12 thereabout, with six magnets 13 ultimately mounted about the perimeter of each block 10. The magnets 13 must be fixed in position to allow building with the blocks, with only small rotation (but not movement) of the magnets 13 permitted (column 2, lines 63-66; and column 3, lines 1-6). Therefore, the structure shown in Dugger is quite different from the presently claimed invention.

More particularly, Duggar clearly fails to disclose or suggest the structure of the inventive embodiment shown, e.g., in Figs. 2-3b of the present application where the chambers 22, 24 and 26 are positioned to promote magnetic interaction between magnets 30 positioned in the outer chambers 22 and 26, but allow magnets 30 to move and reorient when brought close to a magnetically attractive surface. Similar distinctions apply to the inventive device recited in amended independent Claim 10 over Duggar.

Concerning independent Claim 13, Duggar fails to show a polyhedral magnetic device, having, among other features, internal magnet-holding chambers with rounded interior corners to prevent a magnet from becoming wedged between the internal walls at the corners and allow the magnet to remain freely-movable. In Duggar, the various magnet 13 are fixed in position, the direct antithesis of the specifically-claimed arrangement herein. Furthermore, the internal chamber of Duggar shown in Fig. 2 possesses a number of sharp, recessed crevices so a magnet placed within this internal chamber would encounter an excellent chance of becoming trapped and immobilized in one of the illustrated corners.

Therefore, it is respectfully submitted the anticipatory rejection of Claims 1, 3-5, 7 and 9-14 under 35 U.S.C. §102(b) has been rendered moot. With regard to the rejection of dependent Claims 6 and 8 under 35 U.S.C. §103(a), the deficiencies of Duggar discussed above apply with equal force. Therefore, Claims 6 and 8 are not rendered obvious by Duggar. The remaining art of record has not been applied against any claims and will not be commented upon further at this time.

Accordingly, in view of the foregoing amendment and accompanying remarks, it is respectfully submitted all pending claims herein are in condition for allowance. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining issues, the Examiner is respectfully requested to telephone Applicant's attorney at the number indicated below. A petition for an automatic three month extension of time under 37 C.F.R. §1.136(a) is enclosed in triplicate together with the requisite petition fee.

Early favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "George M. Kaplan", is written over a horizontal line.

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